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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EIS-SCHWARTZ 21
In re Application of:) Conf. No.: 1157
M. EISENBACK-SCHWARTZ et al) Art Unit: 1648
Appln. No.: 09/893,344) Examiner: J. Andres
Filed: June 28, 2001) Washington, D.C.
For: USE OF POLY-GLU, TYR AND T) January 10, 2003
CELLS TREATED THEREWITH)
FOR NEUROPROTECTIVE THERAPY)

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

(Check one of the boxes A-D)

[] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[X] B. before the mailing date of a first office action on the merits.

[] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

[] i. Counsel certifies that, upon information and belief, each item of information listed herein was either

[] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

(use one and delete other of following)

[] ii. A check (check no. _____) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

[] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

[] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) petitions under 37 CFR §1.97(d) for consideration of this IDS. **(use one and delete other of following and this note)** A check (check no. _____) for/ Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(i), presently believed to be \$130 is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035. Counsel certifies that, upon information and belief, each item of information listed herein was either

(Check one of the boxes "a" and "b" below)

[] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[] (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate)

[] A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and,

in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)
Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-SB/08 from the files of the prior application(s) or a fresh PTO-SB/08 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

[X] 3. Document AC is not in the English language. In accordance with §1.98(c), Applicant(s) states:

[] An English translation of each document _____ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

[X] A concise explanation of the relevance of document AC is found in the attached INTERNATIONAL search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[] A concise explanation of the relevance of document(s) _____ is set forth as follows:

(insert concise explanation of relevance)

[] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

[] A concise explanation of document(s) _____
can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for
documents in the English language (see reply to Comments 67
and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[] 5. Other information being provided for the
examiner's consideration follows:

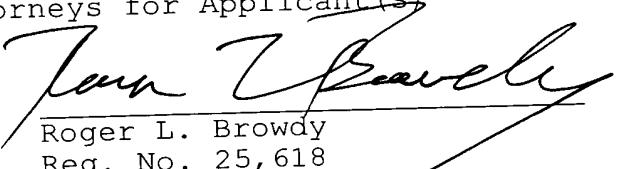
(insert other information)

6. In accordance with 37 CFR §§1.97(g) and (h),
the filing of this IDS should not be construed as a
representation that a search has been made or that information
cited is, or is considered to be, material to patentability as
defined in §1.56 (b), or that any cited document listed or
attached is (or constitutes) prior art. Unless otherwise
indicated, the date of publication indicated for an item is
taken from the face of the item and Applicant(s) reserves the
right to prove that the date of publication is in fact
different.

Respectfully submitted,

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